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PTO/SB/61 (10-00)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional) 13761-7065	
First named inventor:	DeLeve, Laurie	Group Art Unit:	1617
Application Number:	10/086,072	Examiner	Sharareh, Shahnam J.
Filed: February 27, 2002			
Title: COMPOSITION AND METHOD FOR PREVENTING AND TREATING SINUSODIAL OBSTRUCTION SYNDROME AND RADIATION-INDUCED LIVER DISEASE			
Attention: Office of Petitions Commissioner for Patents Box DAC Washington, DC 20231			
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.			
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.			
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION			
NOTE: A grantable petition requires the following items:			
(1) Petition fee;			
(2) Reply and/or issue fee;			
(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and			
(4) Statement that the entire delay was unintentional.			
1. Petition fee			
<input checked="" type="checkbox"/> small entity – fee \$685.00 (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.			
<input type="checkbox"/> other than small entity – fee \$* (37 CFR 1.17(l)).			
2. Reply and/or fee			
A. The reply and/or fee to the above-noted Office action in the form of <u>A Petition Under 37 CFR 1.137(b) to Revive an Unintentionally Abandoned Application:</u>			
<input type="checkbox"/> has been filed previously.			
<input checked="" type="checkbox"/> is enclosed herewith.			
11/04/2004 HALI11 00000024 502518 10086072			
01 FC:2453 685.00 DA			
B. The issue fee of \$*			
<input type="checkbox"/> has been paid previously on *			
<input type="checkbox"/> is enclosed herewith.			

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) 13761-7065
<p>3. Terminal disclaimer with disclaimer fee</p> <p><input checked="" type="checkbox"/> Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.</p> <p><input type="checkbox"/> A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$* for a small entity of \$* for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).</p> <p>4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (111)(C) and (D))].</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="text-align: center;"> <u>November 1, 2004</u> Date </div> <div style="text-align: center;"> <u>Antoinette Konski</u> Signature </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;"> Telephone Number: (650) 849-4950 </div> <div style="width: 50%; text-align: center;"> Antoinette Konski, Reg. No.: 34,202 Typed or printed name Bingham McCutchen, LLP Three Embarcadero Center, Suite 1800 San Francisco, California 94111 </div> </div> <p>Enclosures: <input checked="" type="checkbox"/> Fee Payment <input type="checkbox"/> Reply <input type="checkbox"/> Terminal Disclaimer Form <input type="checkbox"/> Additional sheets containing statements establishing unintentional delay <input checked="" type="checkbox"/> Communication in Connection with the Filing of a Petition to Revive, Petition for Revival of an Application & Return Postcard</p>	
<p style="text-align: center;">CERTIFICATE OF MAILING BY "EXPRESS MAIL"</p> <p>I hereby certify that this paper or fee is being deposited on <u>November 1, 2004</u> with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 as Express Mail Label No. <u>EV 313 811 235 US</u> and is addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> Signature: <u>Mary R. Zimmerman</u> </div> <div style="width: 50%;"> Name: Mary R. Zimmerman </div> </div>	



Certificate of Transmission

I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as Express Mail Label No.: EV 313 811 235 US on the date indicated below in an envelope addressed to Mail Stop: Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: November 1, 2004Name of Person Certifying: [Signature]Printed Name: Mark R. Zimmerman**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: DeLeve, Laurie

Confirmation No.: 1401

Filing Date: February 27, 2002

Examiner: Sharareh, Shahnam J.

Serial No.: 10/086,072

Group Art Unit: 1617

Title: **COMPOSITION AND METHOD FOR PREVENTING AND TREATING
SINUSOIDAL OBSTRUCTION SYNDROME AND RADIATION-
INDUCED LIVER DISEASE**

Commissioner for Patents
Mail Stop Petitions
P.O. Box 1450
Alexandria, VA 22313-1450

**COMMUNICATION IN CONNECTION WITH THE FILING OF A PETITION TO
REVIVE AN APPLICATION UNINTENTIONALLY ABANDONED**

This paper is submitted in connection with the concurrently filed Petition to Revive an Application Unintentionally Abandoned (37 C.F.R. § 1.137(b)) for failure to respond or take other action in response to the Advisory Action issued on June 22, 2004. The statutory deadline for placing the application in condition for allowance was August 23, 2004.

In the Advisory Action issued on June 22, 2004, the Office indicated that the response to the Office Action filed by Applicants on May 20, 2004, did not place the application in condition for allowance and that the amendments to the claims would not be entered on appeal on the ground that they raise new issues that require further consideration and/or search, but that they would be entered upon the filing of a continuation application.

In accordance with 37 C.F.R. § 1.137(b), Applicants respectfully request that the Office enter and consider the amendments filed in reply to the Final Office Action on May 20, 2004.

If the Examiner determines that a telephonic interview would advance prosecution of the application, the Examiner is invited to telephone Antoinette Konski at (650) 849-4950.

If the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-2518**, referencing no. 7000692001. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

DATE: November 1, 2004

Respectfully submitted,



Antoinette F. Konski

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